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Fliesler Meyer LLP 650 California Street 14th Floor San Francisco, CA 94108			EXAMINER MITCHELL, JASON D	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/823,324

**Applicant(s)**

SIMPSON, FRANKLIN FULTON

**Examiner**

Jason Mitchell

**Art Unit**

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 18-35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 18-35 and 37-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to a request for continued examination filed on 2/12/09.

Claims 1, 19-35 and 37-48 are pending in this application.

#### ***Response to Arguments***

**Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.** To the extent that the rejection has not changed, the applicant's arguments are unpersuasive as discussed below.

In the 2<sup>nd</sup> full par. on pg. 8, the applicant states:

Applicant respectfully submits that the administration server 200 illustrated in Fig. 3 appears to contain all of the generated MBeans 212. Accordingly, Viswanath appears to teach against the feature that the Administration server does not have a copy of the MBean, as the generated MBeans 212 are shown on administration server 200. Applicant therefore respectfully submits that Viswanath does not disclose or render obvious that the administration server does not have a copy of the MBean.

The examiner respectfully disagrees. Viswanath additionally discloses an embodiment in which "user applications may not be deployed to an administration server 200" (col. 15, lines 17-18) thus meeting the claimed limitation.

In the 1st full par. on pg. 9, the applicant states:

Applicant respectfully submits that Johnson describes naming scopes, i.e. limiting the visibility of names. In almost all programming languages, names of variables are not globally unique, the variable names are unique only relative to other variable names in the same variable name scope. However, Claim 1 defines that the scope of an MBean is a set of locations at which the MBean is available. The MBean is not a variable name. Instead, the scope of an MBean is describing the

set of locations where the MBean is available; i.e. on which servers does the MBean exist. In contrast, for variable naming scope, the variables exist on the server whether or not the variable name is in scope. Therefore, Applicant respectfully submits that the combination of Viswanath and Johnson does not render obvious that the scope of the MBean is set to server specific for the managed server, as required by claim 1. Applicant further respectfully submits that the scope of an MBean is a set of locations at which the MBean is available, wherein the scope is specified in the MBean definition file, and an MBean is not available to servers located outside the MBean's scope, none of which is taught or suggested by Viswanath and Johnson, alone or in combination.

The examiner respectfully disagrees. As noted by the applicant Johnson describes "limiting the visibility of names", and thus also limits access to the objects represented by those names. Viswanath's MBeans are objects represented by names (see e.g. "A primary key may be included in the meta-information for each element ... For example the primary key for the "server" element may be its name"). Accordingly the combination of the two references teaches scoped MBeans.

Further, it is noted that the claims do not define a scope as a list of servers on which the MBean *exists*. Instead a scope is "a set of locations at which the MBean is *available*". Accordingly setting the scope of an MBean to "server-specific" is understood to mean the MBean is only available to objects on the specific server. It is acknowledged that Viswanath does not explicitly disclose setting an MBean's scope. However this newly added limitation is addressed with a new ground of rejection and consequently is not discussed here.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 18-28, 34-35, 37-39, 43-44 and 48 are rejected under 35 U.S.C.**

**103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 5,280,610 to Travis et al. (Travis).**

**Regarding Claims 1:** Viswanath discloses a computer-readable medium containing instructions stored thereon which when read and executed by a plurality of computers cause the plurality of computers to perform steps comprising:

Receiving, at an administrative server, an MBean definition file in an XML format (col. 15, lines 33-35 "a meta-information file may be generated by users"; col. 20, lines 9-10 "the management beans 212 generated ... may be MBeans"; col. 3, lines 41-43 "XML by be used ... for the meta-information"; col. 9, lines 26-30 "the administration framework generator 224 mechanism may be included in the application server 200");

Generating, at the administrative server, an MBean jar file from the MBean definition file (col. 10, lines 3-5 "deployed applications may be stored ... as jar files, with application configuration info within the jar files"; col. 9, lines 26-30 "the administration framework generator 224 mechanism may be included in the application server 200"), wherein the MBean jar file includes a tag for an MBean and a tag for each attribute, operation, and potential notification issued by the MBean (col. 9, lines 14-20 "meta-information 226 ... includes descriptions of elements or properties, and there attributes, of the persistent store");

sending the jar file from the administrative server to a managed server in a management domain (col. 16, lines 12-28 "modify the element in persistent store 204. The changes may be serialized and sent to one or more other application servers 202"), wherein the management domain is a collection of distributed servers that are managed as a unit (see the Table in col. 10; Fig. 5, Administration server 200 and Managed beans 212A; and further see col. 12, lines 42-60 "configuration context 206 may be used to write to multiple storages on different machines with a single operation");

using the jar file to instantiate the MBean upon the managed server (col. 4, lines 33-39 "implementing instances of components generated on the administration server ... on one or more other servers (e.g. application servers)"), wherein the administrative server does not have a copy of the MBean (col. 15, lines 17-18 "user applications may not be deployed to an administration server 200"); and

providing a custom management capability through the MBean over the management domain (col. 19, lines 66-67 "The management beans 212 may expose the management interface to the external world");

wherein scope of the MBean is a set of locations at which the MBean is available and the MBean is not available to servers located outside the MBean's scope (col. 2, lines 37-40 "Components may be deployed on different servers in a network"; and thus is available at some servers {e.g. servers to which it is deployed} and not at others {e.g. servers not connected to the network}).

Viswanath does not explicitly disclose the scope of an MBean is set to server-specific for the managed server.

Travis teaches an object for which the scope has been set to server specific (col. 30, lines 33-35 "Control server registry 1428 has a local scope so that only the server platform 1300 is aware of resident method executables.")

It would have been obvious to one of ordinary skill in the art at the time the invention was made set the scope of Viswanath's MBean (col. 4, lines 33-39 "components ... on one or more other servers (e.g. application servers)") to server specific as taught by Travis (col. 30, lines 33-35 "has a local scope so that only the server platform 1300 is aware of resident method executables."). Those of ordinary skill in the art would have been motivated to do so in the instance were it was determined that the MBean would not need to be accessed beyond the server (Travis col. 30, lines 39-41 "These items preferably have only a local registration scope because it is not necessary to manage the executable code globally").

**Regarding Claim 18:** Viswanath discloses the custom management capability tracks changes to MBeans throughout the system (col. 4, lines 46-50).

**Regarding Claim 19:** Viswanath discloses each server node has an MBean server (Fig. 2, Administration Server 200).

**Regarding Claim 20:** Viswanath discloses the custom management capability provides an API for providing management services in the management domain (col. 19, lines 66-67).

**Regarding Claim 21:** Viswanath discloses the custom management capability is customized by a user by adding schema attributes and extended persistence features (col. 12, lines Configuration API 222 functionality may include ... change management (e.g. add, update, delete, set)"; col. 14, lines 22-24 "meta-information 226 file may be generated by users ... the framework generator 224 may generate ... components").

**Regarding Claim 22:** Viswanath discloses the custom management capability is packaged as a framework with multiple MBeans, which a security provider can extend (col. 5, line 55 "dynamic administration framework"; col. 15, lines 31-41 "the users may represent the configuration information in a meta-information file").

**Regarding Claims 23-25:** Viswanath discloses an MBean is accessed through a dynamically generated type MBean stub providing access to a java object (col. 10, lines 29-50).

**Regarding Claim 26:** Viswanath discloses a factory model is provided for creating MBean instances (col. 12, lines 19-23 "factory for creating the beans").



**Regarding Claim 27:** Viswanath discloses MBean delegates are derived from an existing MBean (col. 17, lines 10-12 "the configuration beans 210 may inherit from a common class").

**Regarding Claim 28:** Viswanath discloses MBeans that are declared to be persistent are automatically saved to a repository (Fig. 2, Persistent Store 204).

**Regarding Claim 34:** Viswanath discloses a local MBean server handles read attribute requests and MBean creation and deletion requests for server specific MBeans (col. 17, lines 36-39 "API 222 may provide a generic interface to manage (e.g. create, read ... write and/or delete) ... the generated configuration beans 210").

**Regarding Claim 35:** Viswanath discloses an MBean Server Proxy routes read access to an appropriate server and MBean instance within the appropriate server and routes write accesses to the corresponding MBean instance on the administration server (Fig. 1A, Web Server 104; Application Server 108A-B).

**Regarding Claim 37:** Viswanath discloses changes to an MBean are propagated from an administration server to all servers within the scope of the MBean (col. 16, lines 4-18 "changes may be ... set to one or more other application servers 202").

**Regarding Claim 38:** Viswanath discloses applications and servers must go to a particular server to read a server-specific MBean (col. 15, lines 17-18 "In one embodiment, user applications may not be deployed to an administration server 200").

**Regarding Claim 39:** Viswanath discloses all MBeans residing on a managed server are stored in the managed server's local repository (Fig. 4 Generated beans 250B-C) in addition to the administration server's repository (Fig. 4, Generated beans 250A).

**Regarding Claim 43:** The computer-readable medium of claim 36, wherein a request for a server specific MBean may be handled by any MBean server in the management domain (col. 16, lines 53-57 "the generated administration framework may provide a unified view and access ... to administration information").

**Regarding Claim 44:** Viswanath discloses accessing a server specific MBean is performed through a logical canonical server corresponding to a managed server that the server specific MBean resides upon (col. 15, lines 63-65 "The administration framework may provide a single point of access for core server, administration and application configuration").

**Regarding Claim 48:** Viswanath discloses an administration server handles attribute writes and MBean creation and deletion requests for sharable MBeans (col. 17, lines

36-39 "API 222 may provide a generic interface to manage (e.g. create, read ... write and/or delete) ... the generated configuration beans 210").

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 5,280,610 to Travis et al. (Travis) in view of US 5,212,784 to Sparks (Sparks).**

**Regarding Claim 29:** Viswanath discloses MBeans are stored in separate files (col. 10, lines 3-6 "applications may be stored ... as jar files") but does not disclose MBeans are shadowed for failsafe writes.

Sparks teaches files that are shadowed for failsafe writes (col. 6, lines 47-49 "The primary controller 2 continues to mirror or shadow data").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to shadow Viswanath's stored MBeans "If additional reliability and security are desired" (Sparks col. 6, lines 39-43).

**Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 5,280,610 to Travis et al. (Travis) in view of official notice.**

**Regarding Claims 30-33:** The claims recite including various specific data in the tags.

Official Notice is taken that each of the datum were known and used in the art at the time of invention. Consequently, it would, at least, have been obvious to one of ordinary skill in the art at the time the invention was made to include this data in Viswanath's tags in order to provide access to the data so that it can be accessed and used in the art recognized manner.

**Claims 40-42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,206,827 to Viswanath et al. (Viswanath) in view of US 5,280,610 to Travis et al. (Travis) in view of US 6,788,980 to Johnson (Johnson).**

**Regarding Claims 40-42:** Viswanath discloses properties of an MBean may be specified in the definition file (col. 15, lines 5-9 "The meta-information 226 may be used ... to generate components"), upon creation (col. 15, lines 33-35 "a meta information file may be generated by users") and in an information structure (col. 15, lines 1-3 "all elements or properties of the persistent store 204 may be represented in one meta-information 226 file") but does not explicitly define one of these properties as a scope.

Johnson discloses managed objects with scope properties (col. 23, lines 17-18 "supports the implementation of naming scopes, i.e., limiting the visibility of names").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include scope as one of the properties specified by Viswanath in order to support the implementation of naming scopes as taught by Johnson (col. 23, lines 17-18).

**Regarding Claim 45:** Viswanath discloses requesting an MBean (col. 19, lines 20-23 "a query mechanism") but does not disclose when a request is received for an MBean not available on a MBean server, the MBean server calls a method that returns a list of MBeans in a management domain or a specific subset of the management domain.

Johnson teaches in response to a request, returning a list of MBeans in a management domain or a specific subset of the management domain (col. 23, lines 17-18 "rule based specification of the name delimiting character; locates an object based on a "longest fit" because (a) not all parts of an object name are globally known").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to in response to a request return a list of partial matches to Viswanath's query (col. 19, lines 20-23) because "not all parts of an object name are globally known" (Johnson col. 23, lines 17-18).

**Regarding Claim 46:** Viswanath discloses the MBean server uses user-provided information including a provided object name pattern to qualify a search of the list of

MBeans in the management domain (col. 19, lines 20-23 "a query mechanism may be provided that uses a query language to access the persistent store 204").

**Regarding Claim 47:** Viswanath discloses an administration server contains a list of server specific MBeans in addition to shared MBeans (col. 16, lines 53-57 "a unified view and access").

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Mitchell whose telephone number is (571)272-3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Mitchell/  
Examiner, Art Unit 2193